

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

IN THE DRAWINGS

Applicants' representative respectfully traverses that the drawings do not illustrate each element of the claims. The claims provide a plurality of "remote patient sites", each "remote patient site" having at least one display. The claims also provide a data management "unit", a "server", a "memory" and a "monitoring device". The "remote patient sites", at least one "display", a data management "unit", a "server", a "memory" and a "monitoring device" elements are all illustrated in FIG. 1, 3, and 11. As a result, no replacement drawings should be required and the objection should be withdrawn.

CLAIM OBJECTIONS

The claim objections have been obviated in part and are respectfully traversed in part. Claims 1, 44, and 87 have been amended to remove the bullet symbols from claims 1, 44, and 87 as requested in the Office Action dated December 15, 2009.

The means elements of claim 87 are fully supported within the specification and the objection concerning claim 87 is respectfully traversed. For example, "data management means" and

"memory means" are described, at least in part, in paragraphs [0014], [0018], [0019], [0021], [0024], [0026], [0027], [0029], [0031], [0039], and [0041] of the specification as filed. As a result, the means function elements of claim 87 are fully supported within the specification as filed and the claim objection should be withdrawn.

IN THE SPECIFICATION

The specification has been amended to obviate typographical inconsistencies. No new matter has been added.

SUPPORT FOR THE CLAIM AMENDMENTS

Support for the claim amendments may be found in paragraphs [0014], [0016], [0018], [0027], [0029], [0032], [0033], [0034] and FIGS. 1-3, and 11 of the specification as filed. No new matter has been added.

DOUBLE PATENTING

The provisional rejection of claims 1-87 under 35 U.S.C. §101 as claiming the same invention as claims 1-87 of co-pending Application No. 11/362,041, has been obviated by amendment and the rejection should be withdrawn.

The rejection of claims 11, 54, and 87 under the judicially created doctrine of obviousness-type double patenting

has been obviated by the attached terminal disclaimer and should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

The rejection of claims 1-87 under 35 U.S.C. §112, second paragraph, has been obviated by amendment and should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §101

The rejection of claims 1-19 and 21-44 under 35 U.S.C. §101, has been obviated by amendment and should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 1-13, 15, 16, 21, 22, 38-42, 44-56, 58, 59, 64-66, 81-85, and 87 under 35 U.S.C. §103 as being unpatentable over Fu et al. (U.S. Patent No. 4,803,625; hereinafter Fu), in view of Kirk et al. (U.S. Patent No. 5,390,238; hereinafter Kirk) has been obviated by amendment and should be withdrawn.

The rejection of claims 14 and 57 under 35 U.S.C. §103 as being unpatentable over Fu, in view of Kirk, in further view of Fujimoto (U.S. Patent No. 5,339,821; hereinafter Fujimoto) has been obviated by amendment and should be withdrawn.

The rejection of claims 17-19, and 60-62 under 35 U.S.C. §103 as being unpatentable over Fu, in view of Kirk, in further

view of Beckers (U.S. Patent No. 5,019,974; hereinafter Beckers) has been obviated by amendment and should be withdrawn.

The rejection of claims 20, 43, 63, and 86 under 35 U.S.C. §103 as being unpatentable over Fu, in view of Kirk, in further view of Official Notice has been obviated in part by amendment and is respectfully traversed in part and should be withdrawn.

The rejection of claims 23-32, and 67-75 under 35 U.S.C. §103 as being unpatentable over Fu, in view of Kirk, in further view of Lee (U.S. Patent No. 4,838,275; hereinafter Lee) has been obviated by amendment and should be withdrawn.

The rejection of claims 33-37, and 76-80 under 35 U.S.C. §103 as being unpatentable over Fu, in view of Kirk, in further view of Dessertine (U.S. Patent No. 5,016,172; hereinafter Dessertine) has been obviated by amendment and should be withdrawn.

Fu teaches a personal health monitor (title). Kirk teaches a health support system (title). Fujimoto teaches a home medical system and medical apparatus for use therewith (title). Beckers teaches a diabetes management system and apparatus (title). Lee teaches a home medical surveillance system (title). Dessertine teaches a patient compliance and status monitoring system (title). Brown teaches a remote health monitoring and maintenance system (title).

In contrast, claim 1 of the present invention provides a networked health-monitoring system, comprising a plurality of remote patient sites, a data management unit, a memory circuit, stored program instructions, and at least one central server. Each site of the plurality of remote patient sites may include a device having (i) at least one display, (ii) a data management unit configured to facilitate collection of health-related data of at least one patient, (iii) a memory circuit, and (iv) stored program instructions for collecting the health-related data and generating information in response to the health-related data. The at least one central server may be connectable for communication with the device at each remote patient site. The at least one central server may be configured to (i) receive the health related data from the device, (ii) analyze the health-related data, (iii) produce reports, including standardized reports, from the health related data, (iv) transmit the reports to a health care professional associated with the at least one patient, and (v) transmit at least one message for presentation on the at least one display. The at least one message may be sent by the health care professional in response to at least one of the reports. The references, alone or in combination, do not teach or suggest each of these limitations. Claims 44 and 87 contain similar limitations. As a result, claims 1, 44, and 87 are fully patentable and the rejection should be withdrawn.

In particular, claim 1 provides that the at least one central server is configured to analyze the health-related data, produce reports, including standardized reports from the health-related data, and transmit the reports to a health care professional associated with the at least one patient. Fu is silent concerning a central server analyzing health-related data, as presently claimed. Fu appears to teach information being stored in a composite log for analysis by trained personnel (see column 8, lines 22-26 of Fu). Kirk does not appear to cure the deficiencies of Fu. Kirk does not appear to teach a server analyzing health-related data, as presently claimed. Therefore, the references, alone or in combination, do not teach or suggest each of the limitations of claim 1. Claims 44 and 87 contain similar limitations. As a result, claims 1, 44 and 87 are fully patentable and the rejection should be withdrawn.

Applicant respectfully traverses the rejection of claim 20 in view of Official Notice. Claim 20 provides the further limitation that the memory circuit is a program cartridge. Fu and Kirk are silent concerning a program cartridge. The current Office Action takes Official Notice that a program cartridge is "old and well known in the computer arts" (see page 9 of Office Action dated 12-15-2009). The current Office Action fails to provide a basis for the conclusion that a memory circuit that is a program cartridge is "old and well known in the computer arts". It is

respectfully requested that the Examiner provide (i) a more detailed explanation of the basis giving rise to the allegation that a memory circuit that is a program cartridge is "old and well known in the computer arts", and/or (ii) the statutory basis of such Official Notice. Claim 63 contains similar limitations and the rejection of claim 63 based on Official Notice is also respectfully traversed for the same reasons as claim 20.

Applicant respectfully traverses the rejection of claim 43 in view of Official Notice. Claim 43 provides the further limitation that the computer receives the reports after transmitting an authorization code to the at least one central server, wherein the authorization code identifies a user as the healthcare professional. Fu and Kirk are silent concerning an authorization code or identifying a user as a healthcare professional via an authorization code. The current Office Action takes Official Notice that transmitting a report only after a central server identifies a user as the health care professional via an authorization code is "old and well known in the computer arts" (see page 9 of Office Action dated 12-15-2009). The current Office Action fails to provide a basis for the conclusion that transmitting a report only after a central server identifies a user as a health care professional via an authorization code is "old and well known in the computer arts". It is respectfully requested that the Examiner provide (i) a more detailed explanation of the

basis giving rise to the allegation that transmitting a report only after a central server identifies a user as a health care professional via an authorization code is "old and well known in the computer arts", and/or (ii) the statutory basis of such Official Notice. Claim 86 contains similar limitations and the rejection based on Official Notice as to claim 86 is also respectfully traversed for the same reasons as claim 43.

Claim 38 is independently patentable over the references. Claim 38 provides the system may be configured to enable the program instructions to be (i) provided from the a least one central server for storage in the memory circuit and (ii) executed by the device at a remote patient site. Fu is silent concerning program instructions being provided by a central server for storage in a memory circuit, as presently claimed. At best, Fu teaches a home unit programmed to prompt a patient to perform tests and take medication (see column 8, lines 18-22 of Fu). Fu does not teach program instructions provided by a central server, as presently claimed. Kirk does not cure the deficiencies of Fu. Therefore, the references, alone or in combination do not teach or suggest each of the limitations of claim 38. Claim 81 contains similar limitations. As a result, claims 38 and 81 are independently patentable and the rejection should be withdrawn.

Claims 2-37, 39-43, 45-80, and 82-86, depend, directly or indirectly, from the independent claims which are now believed to be allowable.

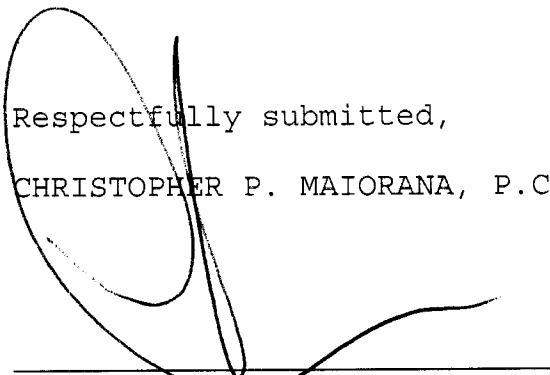
As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 50-0541.

Respectfully submitted,
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